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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL, 1998

B E F O R E

THE HON'BLE MR. JUSTICE TIRATH S. THAKUR

WRIT PETITION NO.11042 & 11043/98

BETWEEN:

Cdr. Kaliki Ravindranath Reddy
S/o late K.B. Reddy, aged
about 47 years.

Mrs. Kaliki Rajeswari Reddy,
W/o Cdr. K.R. Reddy,
aged about 45 years.
R/a No.225, Jal Vayu Vihar,
Kammanahalli Main Road,
Jal Vayu Vihar, Bangalore - 84.

.. PETITIONERS IN
WP 11042/98

Wg. Cdr. Basil Mathew,
C/o Mr.A.J. Mathew,
aged about 45 years,
R/a Flat No.478,
Jal Vayu Vihar, Kammanahalli
Main Road, B'lore - 84.

.. PETITIONER IN
WP 11043/98

(By Sri.B.N. Murthy for M/s.
Jayakar Associates for all petitioners)

AND:

1. State of Karnataka
rep. by its Revenue
Commissioner, M.S. Bldg.,
Dr.Ambedkar Veedhi,
Bangalore - 1.

2. The Deputy Commissioner,
Undervaluation, K.B.G. Road,
Srirampuram, Nagappa Block,
Bangalore - 21.

3. The Sub- Registrar,
Bangalore North, No.1086,
Adarsh Layout, III Stage,
I Division, West of Chord Road,
Bangalore - 86.

.. RESPONDENTS.
in Both Petiti

(By Sri.Ashok Naik, HCGP)

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These writ petitions filed under Art. 226 and 227 of the Constitution praying a direction to respondent no.2 to return the sale deed documents registered with him.

These petitions coming on for preliminary hearing this day, the Court made the following:

ORDER

Issue rule.

2. Govt. Advocate accepts notice for respondents and agrees to the disposal of these petitions at this stage itself. The only question that falls for consideration is whether the document which forms the subject matter of adjudication proceedings under Sec. 45A of the Karnataka Stamp Act, 1957 can be indefinitely retained by the adjudicating Authority pending finalisation of such proceedings. The answer to that is provided by the decision of a Division Bench of this Court in 'Kuruvilla Vs. District Registrar' (ILR 1994 Kar. 3055). In the light of the said decision, therefore, the District Registrar ought to have considered the petitioners' application for return of such documents and passed appropriate orders on the same in accordance with law. In as much as he

has not done so, a mandamus has become necessary. These writ petitions succeed and are hereby allowed to the extent that the District Registrar shall consider the petitioners' request in the light of the decision mentioned above and pass appropriate orders on the same within three months from the date a copy of this order is produced before him. No costs.

Sd/-
JUDGE

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